

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2881 of 2018

- Yashwant Singh S/o Lakhan Singh Aged About 38 Years R/o- Village Pahanda, Tahsil Patan, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station Amleshwar, District- Durg, Chhattisgarh.

---- Non-applicant

And

MCRC No. 2252 of 2018

- Ramnaresh Tandon S/o Late Shri Sukhram Tandon Aged About 33 Years R/o- House No. 20/F, Sector 10, Bhilai Nagar, Tehsil And District- Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station Amleshwar, District- Durg, Chhattisgarh.

---- Non-applicant

For Applicants	:	Shri Manoj Paranjpe and Shri Tarun Dansena, Advocates.
For Non-applicant	:	Shri Anupam Dubey, Dy. Government Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/05/2018

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.164/2017 registered at Police Station–Amleshwar, District Durg (C.G.) for the offence punishable under Sections 420, 465, 466, 201 and 467 read

with Section 34 of Indian Penal Code.

2. Learned counsel for the applicants submit that applicants are innocent and have been falsely implicated in this case. The applicants are in jail since 25.02.2018. No case is made out against them on the basis of the materials present in the case diary. After completion of investigation, charge-sheet has already been filed. Hence, it is prayed that applicants be enlarged on regular bail.
3. As per the prosecution story, the land bearing Khasra No.323, area 1.81 hectare situated at Village Pahanda, District Durg, recorded as grass land in the revenue record has fraudulently been recorded by the Applicant-Ramnaresh Tandon in the name of Applicant-Yashwant Singh by manipulating the revenue records.
4. Learned counsel for the Applicants submit that the Applicant-Yashwant Singh was minor at the time of recording his name in the revenue records. No benefit has been derived by any of the Applicants on the basis of the said erroneous entry, even then, they have been implicated in this case merely on a complaint made by complainant under Section 156(3) of Cr.P.C. Hence, the Applicants be enlarged on bail.
5. On the other hand, learned counsel for the State submits that it is a case of manipulating the revenue record by Applicant-Ramnaresh Tandon who had been the Patwari at the relevant point of time, in connivance with the Applicant-Yashwant Singh. The allegation against the present applicants in this case is that the actual entry in respect of the land bearing Khasra No.323, area 1.81 hectare was manipulated and recorded in the name of the Applicant-Yashwant Singh with the help of Patwari i.e. the Applicant-Ramnaresh Tandon, showing the name of the Applicant-Yashwant Singh as the owner of the said land.

However, it is not disputed that at the time of entry, the Applicant-Yashwant Singh was a minor. Later on, on a complaint made to the Collector, vide order dated 12.03.2014, the order to rectify the erroneous entry in the revenue record has been passed directing to record the said land as grassland in the name of the State. On the basis of the said complaint filed on 17.03.2016, the Chief Judicial Magistrate, First Class, Bhilai, vide order dated 12.10.2017 has directed to register an FIR upon which the concerned police has registered the FIR against the present applicants. After considering the nature of the offence committed and taking into consideration the benefit that has been derived by the applicants, they are not entitled for grant of bail.

6. Heard both the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of this case, especially the fact that charge sheet has already been filed before the Court below and the trial is likely to take some time, at present there seems no requirement for continue detention of applicants in jail during the pendency of trial. For these reasons, I am of the view that they should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge